

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Kerwin S. Parker,)	C/A No.: 1:23-251-MGL-SVH
)	
Petitioner,)	
vs.)	
)	ORDER
Warden, Goodman Correctional Institution,)	
)	
Respondent.)	
)	

Petitioner, proceeding pro se, brought this action requesting a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent filed a motion for summary judgment on May 15, 2023. [ECF No. 21]. As Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of the motion and of the need for him to file an adequate response by June 16, 2023. [ECF No. 22]. Petitioner was specifically advised that if he failed to respond adequately, Respondent's motion may be granted, thereby ending this case. *Id.* Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Petitioner failed to respond to the motion.

On June 20, 2023, the court ordered Petitioner to advise by July 6, 2023, whether he wished to continue with this case. [ECF No. 26]. Petitioner was further advised that if he failed to respond, the undersigned would recommend

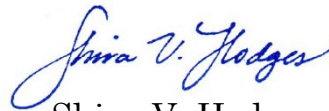
this matter be dismissed for failure to prosecute. On June 26, 2023, the undersigned permitted Petitioner an extension until July 31, 2023, to file a response. Petitioner filed no response. On August 3, 2023, the undersigned issued a Report and Recommendation recommending this matter be dismissed for failure to prosecute.

On August 30, 2023, Petitioner filed objections to the Report, in which he alleged he did not timely receive his legal mail. [ECF No. 35]. On October 4, 2023, the Honorable Mary Geiger Lewis, United States District Judge, issued an order declining to adopt the Report and Recommendation and directing Petitioner to respond to the motion for summary judgment no later than November 3, 2023. [ECF No. 38]. Petitioner was specifically warned that “future missed deadlines may result in dismissal with prejudice.” *Id.* Notwithstanding the District Judge’s order, Petitioner has failed to file a response to the motion.

As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, Petitioner is directed to advise the court whether he wishes to continue with this case and to file a response to Respondent’s motion by **November 29, 2023**. Petitioner is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

November 15, 2023
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge